

from the claims. Accordingly, withdrawal of this objection is respectfully urged.

**OBJECTIONS UNDER 37 CFR 1.71 AND  
REJECTIONS UNDER 35 USC §112**

The specification stands objected to under 37 CFR 1.71 because it allegedly fails to adequately teach a path which substantially eliminates deadlegs in the valve assembly as recited in independent claims 1 and 11.

Claims 1-12 stand rejected under 35 U.S.C. § 112, first paragraph allegedly because the specification fails to adequately teach a path which substantially eliminates deadlegs in the valve assembly as recited in independent claims 1 and 11.

This rejection is no longer applicable in view of the cancellation of this subject matter from the claims. Accordingly, withdrawal of this rejection is respectfully urged.

It should be noted, however, that the specification does in fact teach a valve assembly design that is fully drainable and thus eliminates dead-legs. This feature is clearly described in the specification, especially between page 8, line 18 and page 10, line 16. As described therein, the valve assembly is designed such that each port opens into a chamber so fluid entering any of the ports encounters a chamber and channels leading to three diverter valves. One of the diverter valves (valve 78) is at a high point in the assembly such that the channel extending from this valve to chambers 60 and 64 is inclined, rising sharply before encountering the valve and falling sharply after the valve. Additionally, the other diverter valves are machined in the position of their drain angle. These features combine to provide a valve assembly that is fully and easily drainable, thus eliminating dead-legs.

**REJECTION UNDER JUDICIAL DOUBLE PATENTING**

Claims 1-20 stand rejected under the judicially created doctrine of double patenting over claims 1-16 of U.S. Patent No. 5,906,223 allegedly since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

This rejection is not applicable to this application because it is a continuation of application no. 08/715286 filed on September 16, 1999 from which U.S. Patent 5,906,223 issued.

Hence, the term of a patent issuing from the present application will be the same as U. S. Patent 5,906,223 because it will be calculated from the date on which parent application no. 08/715286 now U. S. Patent 5,906,223 was filed.

Accordingly, withdrawal of this rejection is respectfully urged.

#### **PRIOR ART REJECTION UNDER 35 USC §102**

Claims 1, 6, and 9-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Jones, U.S. Patent 2,209,024.

This rejection is no longer applicable as independent claim 1 now recites in pertinent part: "each one of said valves interposed in the path of an associated one of said channels ... wherein fluid entering any one of said ports encounters one of said chambers and sections of three of said channels which lead to three of said diverter valves "; and independent claim 11 now recites "wherein fluid entering any one of said ports encounters one of said chambers and sections of three of said channels which lead to three of said diverter valves".

No such structure or function is taught or suggested in Jones. In particular, Jones appears to teach a valve assembly wherein fluid entering any one of its ports encounters one chamber and only one channel which leads to one, two or three diverter valves, depending upon the port of entry. Moreover, the diverter valves in Jones are not interposed in the path of multiple channels.

Since Jones fails to anticipate claims 1, 6, and 9-11, withdrawal of the 35 U.S.C. §102(b) rejection is respectfully urged.

#### **PRIOR ART MADE OF RECORD AND NOT RELIED UPON**

The prior art (Russo and Miller) made of record and not relied upon fails to teach or suggest the invention as presently claimed.

#### **CONCLUSION**

It is respectfully submitted that all outstanding issues have been addressed herein and that claims 1-20 are in condition for allowance, early notification of which is earnestly solicited. Should there be any questions or other matters whose resolution may be advanced by a telephone call, the

Examiner is cordially invited to contact Applicant's undersigned attorney at his number listed below.

**FEEs**

No fee is believed due as a result of this communication. The Commissioner, however, is hereby authorized to charge any other fees which may be required or credit any overpayment to Deposit Account No. 09-0949.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Menotti J. Lombardi", is written over a horizontal line.

Menotti J. Lombardi, Esq.

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